

# Thomas-Jensen Affirmation

Exhibit # 53

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND**

STATE OF NEW YORK; et al.,

Plaintiffs,

v.

DONALD TRUMP, in his official capacity as  
President of the United States; et al.,

Defendants.

C.A. No. 1:25-cv-00039-JJM-PAS

**DECLARATION OF EMMA YUEN**

I, Emma Yuen, declare as follows:

1. I am a resident of the State of Hawai‘i. I am over the age of 18 and have personal knowledge of all the facts stated herein, except to those matters stated upon information and belief; as to those matters, I believe them to be true. If called as a witness, I could and would testify competently to the matters set forth below.

2. I am currently employed by the Department of Land and Natural Resources, State of Hawai‘i (“DLNR”) as the Division of Forestry and Wildlife (“DOFAW”) Natural Resources Management Program Specialist and am currently Acting Administrator of DOFAW.

3. I oversee the use of funds from federal grants for DOFAW projects and am familiar with DOFAW’s projects and operations.

4. The DLNR is responsible for enhancing, protecting, conserving, and managing Hawai‘i’s unique and limited natural, cultural, and historic resources held in public trust for current and future generations of the people of Hawai‘i nei, and its visitors, in partnership with others from the public and private sectors.

5. DOFAW is the primary responder for wildfires on lands managed by DOFAW, which accounts for 26% of the land statewide. DOFAW co-responds with county fire departments and federal agencies on an additional 32% of lands. DOFAW is responsible for fire response for nearly 60% of the land statewide.

6. DOFAW is currently unable to access the Hawai‘i Endangered Plant Conservation grant, which is identified by Federal Award Identification Number (“FAIN”) F24AP00185. This grant provides support for emergency actions for critically rare plant protection and recovery. Without this grant, Hawai‘i could lose rare plant species to extinction.

7. DOFAW is currently unable to access the Hawai‘i Endangered Plant Recovery grant, which is identified by FAIN F25AP00203. This multi-year grant funds planting rare species in protected habitat and supports follow-up monitoring to document success. Without this grant, DOFAW will be unable to continue planting rare species in protected habitat, increasing the likelihood of extinction for rare plant species.

8. DOFAW is currently unable to access the Protecting Hawaii’s Flora from Wildfire Through Coordinated Collaboration grant, which is identified by FAIN F25AC00309. This grant funds planting native plants in wildfire ravaged areas. Without this grant, wildfire risk increases as burned landscapes will be colonized by more inflammable non-native grasses.

9. DOFAW is currently unable to access the State Fire Assistance Funds, which is identified by FAIN 23-DG-11052012-169. This grant funds fuel reduction projects on Maui and Hawaii Islands. Without this grant, DOFAW will not be able to improve conditions in vulnerable natural areas, leaving them more susceptible to wildfire.

10. DOFAW oversees the Birds, Not Mosquitoes, a multi-agency partnership urgently working to protect the native Hawaiian honeycreepers from extinction resulting from the rapid spread of avian malaria by the *Culex quinquefasciatus*. This project is dependent on federal funding.

11. Attached hereto as Exhibit “A” is a true and correct copy of a photograph of an ‘apapane, a species of Hawaiian honeycreeper susceptible to avian malaria.

12. Attached hereto as Exhibit “B” is a true and correct copy of a photograph of an ‘apapane being bitten by mosquitoes, which transmit avian malaria to native forest birds, including honeycreepers.

13. DOFAW is currently unable to access the Captive Facilities grant, which is identified by FAIN F22AP03444. This grant funds the prevention of the extinction of Hawaiian honeycreeper species. This is a multi-agency effort to bring endangered Hawaiian honeycreepers into captivity for holding and breeding until landscape-level mosquito control can be implemented in the honeycreepers’ natural habitat. This grant funds the construction of a new

aviary to provide additional space and improve captive breeding outcomes. Without this grant, DOFAW will not be able to construct the aviary, which will hinder efforts to breed endangered honeycreepers and prevent extinction.

14. DOFAW is currently unable to access the Captive Facilities Grant, which is identified by FAIN F22AP03445. This grant provides operational funds for the construction of the new aviary described in the preceding paragraph. Without this grant, DOFAW will not be able to fund the construction of the new aviary.

15. DOFAW is currently unable to access the Mosquito Implementation Grant, which is identified by FAIN F22AP03445. This grant funds three separate DOFAW projects, as follows:

- a. Project 1: Mosquito Administration. This grant funds the Mosquito Control Grant Coordination and Rearing facility, mosquito control specialist salary, two-year salary for the project specialist position, and funding for the relocation of the insectary. Without this grant, DOFAW will not be able to employ the mosquito control specialist or project specialist and will not be able to relocate the insectary, which is critical to implementing the mosquito suppression project aimed at preventing Hawaiian honeycreepers from going extinct.
- b. Project 2: Mosquito Implementation on Kauaʻi. This grant funds Kauaʻi mosquito control investigation and outreach and the use of Mark-Release-Recapture (MMR) to assess mosquito density, survival, and dispersal distances in honeycreeper habitat on Kauaʻi Island. Without this grant, DOFAW will be unable to continue suppressing mosquito populations carrying avian malaria—the number one threat to honeycreeper survival—and will not have the necessary data to inform future Incompatible Insect Technique release, which suppresses mosquito populations.
- c. Project 3: Mosquito Implementation on Hawaiʻi Island. This grant funds mosquito monitoring on Hawaiʻi island, including complete investigation of avian malaria in the *Culex quinquefasciatus* mosquito populations on Hawaiʻi Island and complete avian malaria investigation, which is the top threat to Hawaiian honeycreepers, in bird populations on Hawaiʻi Island.

Without this grant, DOFAW will be unable to complete its monitoring and investigation of avian malaria carrying populations of mosquitoes and affected native birds, which is critical to preventing the extinction of honeycreepers on Hawai'i Island.

16. DOFAW is currently unable to access the Community Wildfire Defense Grant Program Base Funds, which is identified by FAIN 22-DG-11052012-122. This grant provides base funds for outreach, grant development, and program administration for wildfire control and prevention. Without this grant, DOFAW will not be able to adequately fund its wildfire control and prevention programs.

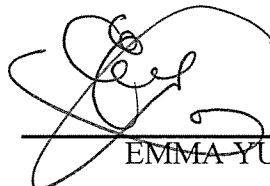
17. DOFAW is currently unable to access the State Fire Assistance Funds, which is identified by FAIN 23-DG-11052012-169. This grant funds fuel reduction projects on Maui and Hawai'i Islands. Without this grant, DOFAW will not be able to improve conditions in vulnerable natural areas, leaving them more susceptible to wildfire.

18. DOFAW is currently unable to access the Community Wildfire Defense Grant Funds for the Kaua'i Community Wildfire Protection Plan Update, which is identified by FAIN 23-DG-11052012-181. This grant funds updating the Kaua'i Community Wildfire Protection Plan. Without this grant, the plan will not be updated, which will affect the State's preparedness for fires in the Kaua'i community.

19. DOFAW is currently unable to access the 2024 State Fire Capacity for County Fire Training Program grant, which is identified by FAIN 24-DG-11052012-183. This grant funds wildland fire training for state and local governments. Without this grant, DOFAW will not be able to increase wildland fire training for county fire departments.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 5, 2025, at Honolulu, Hawai'i.

  
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EMMA YUEN

## **EXHIBIT A TO YUEN DECLARATION**



## **EXHIBIT B TO YUEN DECLARATION**



